

**ORIGINAL**

LAW OFFICES  
**LEVENTHAL, SENTER & LERMAN**

SUITE 600  
2000 K STREET, N.W.  
WASHINGTON, D.C. 20006-1809

January 6, 1997

NORMAN P. LEVENTHAL  
MEREDITH S. SENTER, JR.  
STEVEN ALMAN LERMAN  
RAUL R. RODRIGUEZ  
DENNIS P. CORBETT  
BRIAN M. MADDEN  
BARBARA K. GARDNER  
STEPHEN D. BARUCH  
SALLY A. BUCKMAN  
NANCY L. WOLF  
DAVID S. KEIR  
DEBORAH R. COLEMAN  
BERNARD A. SOLNIK  
NANCY A. ORY  
WALTER P. JACOB  
LINDA D. FELDMANN  
RENÉE L. ROLAND  
JOHN D. POUTASSE\*

\*ADMITTED MD ONLY

TELEPHONE  
(202) 429-8970

TELECOPIER  
(202) 293-7783

SENIOR COMMUNICATIONS  
CONSULTANT  
MORTON I. HAMBURG

WRITER'S DIRECT DIAL  
202-416-6791

WRITER'S E-MAIL  
NORY@LSL-LAW.COM

DOCKET FILE COPY ORIGINAL

**VIA HAND DELIVERY**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, NW  
Room 222  
Washington, DC 20554

Dear Mr. Caton:

On behalf of MRF Enterprises, there are transmitted herewith an original and four copies of its Comments and Counterproposal in response to the Commission's Notice of Proposed Rule Making in MM Docket No. 96-230.

If any additional information is desired in connection with this matter, please contact the undersigned counsel.

Sincerely,

*Nancy A. Ory*

Nancy A. Ory

No. of Copies rec'd  
List ABCDE

24

BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED  
FEDERAL COMMUNICATIONS  
COMMISSION  
JAN 6 1997

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Levan, Utah)

)  
)  
)  
)  
)  
)

MM Docket No. 96-230  
RM-8911

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

## COMMENTS AND COUNTERPROPOSAL

MRF Enterprises ("MRF"), by its attorneys and pursuant to Section 1.415 of the Commission's rules, hereby submits its Comments and Counterproposal in the above-captioned *Notice of Proposed Rule Making* ("NPRM"), released November 15, 1996. MRF hereby counterproposes that the Commission amend Section 73.202(b), the FM Table of Allotments, (i) to allot FM Channel 268C1 to Oakley, Utah; (ii) to allot FM Channel 256A to Levan, Utah, instead of Channel 286A, as requested by Windy Valley Broadcasting; and (iii) to substitute FM Channel 221C for vacant Channel 268C at Green River, Wyoming.

As shown in the accompanying narrative and engineering statement of Lawrence L. Morton, P.E., attached hereto as Exhibit A, Channel 268C1 may be allotted to Oakley, Utah consistent with all pertinent Commission requirements, provided that the other channel

substitutions proposed for Levan and Green River are made.<sup>1</sup> Channel 268C1 is the only Class C1 channel available for use at Oakley. The existence of the vacant Channel 268C allotment at Green River, Wyoming, and the proposed Channel 268A allotment at Levan, Utah, preclude the use of Channel 268C1 at Oakley. Therefore, MRF respectfully requests that the Commission substitute Channel 221C for Channel 268C at Green River and allot Channel 256A at Levan, rather than the Channel 268A allotment proposed in the NPRM.

Oakley, Utah is located in Summit County and has a 1990 U.S. Census population of 522 persons. The U.S. Census Population Division reported that as of July 1, 1994, Oakley has an estimated population of 708. In addition, the town of Oakley is growing at the rate of four percent per year. *See "Town of Oakley OKs a Major New Water System Expansion," The Park Record*, Exhibit B, attached hereto. Oakley is an incorporated town and is governed by a mayor, the Oakley Town Council, the Oakley Planning Commission and the Oakley Board of Adjustment. *See* Exhibit C, attached hereto.

The community of Oakley is served by a wide variety of municipal, community and commercial organizations. Oakley has its own United States Post Office and an individual zip code designation (84055). The telephone directory for Wasatch County and Summit County, Utah lists more than 25 businesses, municipal organizations, and religious congregations located in Oakley. A list of these businesses and organizations is attached hereto as Exhibit D.

As demonstrated herein, the incorporated status of Oakley, as well as the

---

<sup>1</sup> It is requested that Channel 268C1 be allotted to Oakley, Utah at the reference coordinates of 40° 43' 07" North Latitude, 110° 57' 17" West Longitude.

commercial establishments, religious organizations, municipal services, and governmental units which identify themselves specifically with Oakley, establish that Oakley is a “community” for allocation purposes. *See, e.g., Amendment of Section 73.202(b) (Vacaville and Middletown, California)*, 6 FCC Rcd 5786 (1991). MRF, or an entity in which MRF is involved intends to apply for the channel at Oakley when the allocation is made and, if authorized, intends to build the station promptly.

In order to accommodate the allocation of Channel 268C1 to Oakley, Utah, MRF counterproposes that the Commission allot FM Channel 256A to Levan, Utah, and substitute FM Channel 221C for vacant Channel 268C at Green River, Wyoming. The allocation of Channel 256A at Levan, Utah, fully complies with all Commission requirements, including the minimum distance separation requirements set forth in Section 73.207 of the Commission’s Rules. MRF has no opposition to the allocation of Channel 256A at Levan, Utah, but has no present intention of applying for the channel.

With respect to the proposed substitution of FM Channel 221C for vacant FM Channel 268C at Green River, Wyoming, the substitution of Channel 221C complies with all Commission requirements, including the minimum distance separation requirements set forth in Section 73.207 of the Commission’s Rules. As set forth in the Engineering Statement of Lawrence L. Morton, P.E., there are presently three pending mutually-exclusive applications on file for Channel 268C at Green River, Wyoming. The substitution of Channel 221C for Channel 268C at Green River would not require a change in site location for any of the three pending

applications because each of the three sites proposed in the respective applications is fully-spaced on Channel 221C, and each of these applicants can maintain its “cut-off” protection.

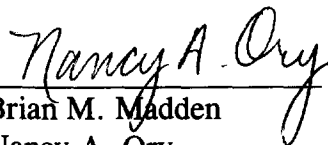
Commission precedent does not require reimbursement to pending applicants for the costs involved in the change of operating channel prior to the grant of an authorization. *Amendment of Section 73.202(b) (Marion and Rural Retreat, Virginia)*, 5 FCC Rcd 5540 (Policy and Rules Division, 1990). However, in the event that the Commission grants a pending application in the Green River, Wyoming proceeding and issues a construction permit or license prior to the resolution of this proceeding, to the extent that reimbursement for the reasonable costs involved in the change of operating channel is required under *Circleville, Ohio*, 8 FCC 2d 159 (1967), as a result of the channel substitution proposed, MRF will reimburse the permittee of the Green River allocation for such costs.

As demonstrated herein, the allotment of FM Channel 268C1 to Oakley, Utah will serve the public interest by providing the community with its first local transmission service. The allotment of FM Channel 256A at Levan, Utah, instead of FM Channel 268A as proposed in the NPRM, will also serve the public interest goals set forth in the NPRM by providing Levan with its first local FM service. Moreover, the substitution of Channel 221C for Channel 268C at Green River, Wyoming, will maintain that community’s existing Class C allotment, while permitting the initiation of new service in both Levan and Oakley, Utah. In summary, as a consequence of the counterproposal set forth herein, these three communities will each receive its first local transmission service.

For the foregoing reasons, MRF respectfully urges the Commission to adopt expeditiously a *Report and Order* amending Section 73.202(b) of its rules to (i) allot FM Channel 268C1 to Oakley, Utah; (ii) to allot Channel 256A to Levan, Utah; and (iii) to substitute Channel 221C for vacant Channel 268C at Green River, Wyoming.

Respectfully submitted,

**MRF ENTERPRISES**

By:   
Brian M. Madden  
Nancy A. Ory  
Its Attorneys

Leventhal, Senter & Lerman  
2000 K Street, N.W.  
Suite 600  
Washington, D.C. 20006-1809  
202-429-8970

January 6, 1997

**CERTIFICATE OF SERVICE**

I, Nicole M. Bachtell, hereby certify that a true and correct copy of the foregoing Comments and Counterproposal of MRF Enterprises, was sent by first-class postage prepaid mail this 6th day of January 1997 to the following:

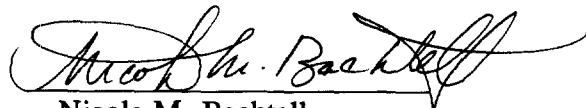
Victor A. Michael, Jr.  
President  
Windy Valley Broadcasting  
c/o Magic City Media  
1912 Capitol Avenue, Suite 300  
Cheyenne, Wyoming 82001

Wagonwheel Communications Corp.  
P.O. Box 970  
Green River, Wyoming 82935

Erwin G. Krasnow, Esq.  
as counsel to Wagonwheel Communications Corp.  
Verner Liipfert Bernhard McPherson & Hand, Chartered  
901 15th Street, NW, Suite 700  
Washington, DC 20005-2301

Mr. Scott Anderson  
Chapparal Broadcasting, Inc.  
645 South Cache  
Jackson, Wyoming 83001

Big Thicket Broadcasting of Wyoming, Inc.  
P.O. Box 2128  
Rock Springs, Wyoming 82901

  
Nicole M. Bachtell

**EXHIBIT A**

**Engineering Statement of Lawrence L. Morton, P.E.**

**ENGINEERING STATEMENT  
IN SUPPORT OF  
COMMENTS AND  
COUNTERPROPOSAL TO  
PETITION FOR RULE MAKING**

January 2, 1997

MRF Enterprises  
Oakley, Utah  
MM Docket No. 96-230



LAWRENCE L. MORTON ASSOCIATES  
1231 MESA OAKS LANE  
MESA OAKS, CALIFORNIA 93436-2309  
(805) 733-4275 / FAX (805) 733-4793

# ENGINEERING STATEMENT

This engineering statement was prepared on behalf of MRF Enterprises in support of comments and counterproposal to *Notice of Proposed Rule Making*, MM Docket No. 96-230, RM-8911.

## I. COMMENTS AND COUNTERPROPOSAL

MRF Enterprises by way of comments submits the following counterproposal to the proposed allotment of Channel 268A at Levan, Utah.

- The allotment of Channel 268C1 to Oakley, Utah.
- The allotment of Channel 256A to Levan, Utah.
- The substitution of Channel 221C for vacant Channel 268C at Green River, Wyoming.

The existence of the vacant Channel 268C allotment at Green River, and the proposed Channel 268A allotment at Levan, preclude the use of Channel 268C1 at Oakley. There are no other Class C1 channels available for use at Oakley. Thus, MRF Enterprises proposes the substitution of Channel 221C for Channel 268C at Green River, and the allotment of Channel 256A at Levan, instead of the proposed Channel 268A allotment.

## II. OAKLEY, UTAH

Oakley is a city located in the southwestern portion of Summit County, Utah. Oakley had a 1990 U.S. Census population of 522 persons, up from 470 persons in 1980. The Summit County population increased 52 percent from 10,198 to 15,518 persons during the ten-year period from 1980 to 1990.

Oakley has been assigned Postal ZIP Code 84055 by the U.S. Postal Service. Currently, Oakley has no other AM or FM broadcast facilities nor vacant allotments.

The Census Bureau centroid geographical coordinates of Oakley, referenced to the North American Datum of 1927, are:

North Latitude: 40 degrees, 43 minutes, 19 seconds  
West Longitude: 111 degrees, 17 minutes, 15 seconds

Because of existing second adjacent channel Class C stations KBER(FM) on Channel 266C and KKAT(FM) on Channel 270C at Ogden, Utah, a site restriction is required for the Channel 268C allotment at Oakley.

At a point corresponding to the following geographic coordinates, which is 28.1 kilometers east of Oakley, the Channel 268C1 allotment can be made at Oakley in compliance with the minimum distance separation requirements of 47 C.F.R. § 73.207<sup>1</sup>.

North Latitude: 40 degrees, 43 minutes, 07 seconds  
West Longitude: 110 degrees, 57 minutes, 17 seconds

From these reference geographic coordinates, Channel 268C1 is fully-spaced to all FCC assignments, allotments and proposals contained within the latest *FCC FM Engineering Database*, except those relating to Channel 268C at Green River and Channel 268A at Levan.

Figures one and two show the relative locations of Summit County within the State of Utah, and of Oakley within Summit County. Figure three shows the incorporated city limits of Oakley, which were carefully digitized from a city street map of Oakley obtained from the Utah Department of Transportation, Urban Planning and Cartographic Section. Figure three shows also the locations of the 1990 U.S. Census block centroids.

The map of figure four represents the fully-spaced area to locate Channel 268C1 at Oakley, and shows also the allotment reference site for Channel 268C1.

### **III. CHANNEL 268C1 MINIMUM SPACING REQUIREMENTS**

The following table shows a listing of the nearest licensed facilities and allocations currently on file with the required distance separations for Channel 268C1. For clarity, facilities that are greater than 350 kilometers beyond the minimum required separations are not shown.

As required by § 73.207 all minimum distance separation requirements are met<sup>1</sup> from the Channel 268C1 allotment reference site proposed for Oakley. All distances were computed by the methods outlined in § 73.208(c) of the Commission's Rules and were rounded to the nearest kilometer in accordance with § 73.208(c)(8).

---

<sup>1</sup> The minimum separation requirements of 47 C.F.R. § 73.207 are met provided that Channel 256A is allocated to Levan, Utah, and Channel 221C is substituted for Channel 268C at Green River, Wyoming.

| ALLOCATION-PERTINENT STATIONS<br>AND SPACING REQUIREMENTS OF § 73.207<br>FOR CHANNEL 268C1 AT OAKLEY, UTAH |                   |                   |                   |                    |                      |
|--|-------------------|-------------------|-------------------|--------------------|----------------------|
| CALL<br>LETTERS  | CHANNEL<br>/CLASS | NORTH<br>LATITUDE | WEST<br>LONGITUDE | ACTUAL<br>DISTANCE | REQUIRED<br>DISTANCE |
| KCIR   | 214-C             | 42° 20' 07"       | 113° 36' 17"      | 285. Km            | 41. Km               |
| KRCL   | 215-C             | 40° 39' 35"       | 112° 12' 05"      | 106                | 41                   |
| KPRQ   | 265-A             | 39° 32' 42"       | 110° 48' 56"      | 131                | 75                   |
| KMXM   | 265-C             | 43° 16' 45"       | 114° 09' 14"      | 388                | 105                  |
| KBER   | 266-C             | 40° 39' 35"       | 112° 12' 05"      | 106                | 105                  |
| KIQX   | 267-C1            | 37° 15' 45"       | 107° 54' 07"      | 466                | 177                  |
| KTUN   | 268-C             | 39° 44' 18"       | 106° 47' 58"      | 369                | 270                  |
| NEW <sup>2</sup>   | 268-C             | 41° 33' 36"       | 109° 21' 54"      | 162.93             | 270                  |
| PRM <sup>3</sup>   | 268-A             | 39° 33' 18"       | 111° 51' 42"      | 150.56             | 200                  |
| NEW <sup>2</sup>   | 268-C             | 41° 29' 48"       | 109° 20' 44"      | 160.43             | 270                  |
| ALLOC <sup>4</sup>   | 268-C             | 41° 31' 36"       | 109° 28' 06"      | 153.74             | 270                  |
| NEW <sup>2</sup>   | 268-C             | 41° 29' 47"       | 109° 20' 44"      | 160.41             | 270                  |
| KCVI   | 268-C             | 43° 30' 03"       | 112° 39' 43"      | 340                | 270                  |
| ALLOC  | 269-C3            | 39° 15' 52"       | 114° 53' 35"      | 372                | 144                  |
| KKAT   | 270-C             | 40° 39' 35"       | 112° 12' 05"      | 106                | 105                  |
| PRM  | 271-A             | 43° 43' 36"       | 111° 06' 18"      | 334                | 75                   |

#### IV. CHANNEL 256A AT LEVAN, UTAH

In place of Channel 268A at Levan, Utah, Channel 256A can be allocated in compliance with § 73.207. The allotment reference coordinates are exactly the same as those suggested in the *Notice of Proposed Rule Making* for Channel 268A. The geographic coordinates for Channel 256A at Levan, are,

North Latitude: 39 degrees, 33 minutes, 18 seconds  
West Longitude: 111 degrees, 51 minutes, 42 seconds

---

<sup>2</sup> It is proposed to substitute Channel 221C for Channel 268C at Green River, Wyoming. The transmitter sites specified in the three pending applications, FCC File Nos. BPH-960925MD, BPH-960926MG and BPH-960927MD, are fully spaced on Channel 221C to all other assignments and allotments.

<sup>3</sup> Channel 256A is counterproposed at Levan, Utah, in place of Channel 268A.

<sup>4</sup> It is proposed to substitute Channel 221C for Channel 268C at Green River, Wyoming.

Figure six shows the fully-spaced permissible area to locate Channel 256A at Levan. Shown also is the proposed allotment reference site, which corresponds to the geographic coordinates proposed by the petitioner for Channel 268A. The following table shows a listing of the nearest assignments and allocations relevant to the use of Channel 256A at Levan.

| ALLOCATION-PERTINENT STATIONS<br>AND SPACING REQUIREMENTS OF § 73.207<br>FOR CHANNEL 256A AT LEVAN, UTAH |                   |                   |                   |                    |                      |
|--|-------------------|-------------------|-------------------|--------------------|----------------------|
| CALL<br>LETTERS  | CHANNEL<br>/CLASS | NORTH<br>LATITUDE | WEST<br>LONGITUDE | ACTUAL<br>DISTANCE | REQUIRED<br>DISTANCE |
| KCPW   | 202-A             | 40° 45' 33"       | 111° 49' 48"      | 134. Km            | 10. Km               |
| KCIC   | 203-A             | 39° 04' 38"       | 108° 30' 38"      | 294                | 10                   |
| ALLOC  | 253-A             | 38° 18' 00"       | 111° 25' 12"      | 144                | 31                   |
| KIFX   | 253-C2            | 40° 32' 16"       | 109° 41' 57"      | 214                | 55                   |
| KBEE-FM  | 254-C             | 40° 36' 30"       | 112° 09' 34"      | 120                | 95                   |
| NEW  | 255-C             | 37° 53' 44"       | 114° 34' 41"      | 300                | 165                  |
| KMTS   | 256-C3            | 39° 31' 58"       | 107° 20' 30"      | 387                | 142                  |
| ALLOC  | 256-C             | 43° 24' 55"       | 107° 27' 08"      | 565                | 226                  |
| KUPI   | 256-C1            | 43° 32' 33"       | 111° 53' 04"      | 443                | 200                  |
| ALLOC  | 257-A             | 41° 19' 06"       | 110° 22' 54"      | 233                | 72                   |
| KPXC   | 257-C             | 36° 25' 18"       | 115° 48' 35"      | 491                | 165                  |
| KURR   | 258-C             | 40° 36' 29"       | 112° 09' 33"      | 120                | 95                   |
| NEW  | 259-C             | 37° 03' 12"       | 113° 49' 20"      | 326                | 95                   |

## V. CHANNEL 221C AT GREEN RIVER, WYOMING

Presently, Channel 268C is a vacant allotment at Green River, Wyoming. However, there are three pending mutually-exclusive applications on file for Channel 268C, FCC File Nos. BPH-960925MD, BPH-960926MG and BPH-960927MD. In place of Channel 268C at Green River, Channel 221C can be allocated in compliance with § 73.207. The allotment reference coordinates for Channel 221C coincide with those of Channel 268C at Green River.

Figure five depicts the fully-spaced permissible area to locate Channel 221C at Green River. Also shown are the proposed transmitter site locations of the three pending Channel 268C applications at Green River. The substitution of Channel 221C for Channel 268C at Green River would not require a change in site location for any of the three pending applications because all three sites are fully-spaced on Channel 221C.

The geographic coordinates for vacant Channel 268C and the proposed Channel 221C substitution at Green River, Wyoming, are,

North Latitude: 41 degrees, 31 minutes, 36 seconds  
West Longitude: 109 degrees, 28 minutes, 06 seconds

The following table shows a listing of the nearest assignments and allocations relevant to the use of Channel 221C at Green River.

| ALLOCATION-PERTINENT STATIONS<br>AND SPACING REQUIREMENTS OF § 73.207<br>FOR CHANNEL 221C AT GREEN RIVER, WYOMING |                   |                   |                   |                    |                      |
|---|-------------------|-------------------|-------------------|--------------------|----------------------|
| CALL<br>LETTERS   | CHANNEL<br>/CLASS | NORTH<br>LATITUDE | WEST<br>LONGITUDE | ACTUAL<br>DISTANCE | REQUIRED<br>DISTANCE |
| KUSU-FM   | 218-C             | 41° 53' 11"       | 112° 04' 17"      | 220. Km            | 105. Km              |
| KUFR  | 219-A             | 40° 46' 09"       | 111° 53' 12"      | 220                | 95                   |
| KUWR  | 220-C             | 41° 18' 36"       | 105° 27' 17"      | 336                | 241                  |
| KDRH  | 220-C3            | 39° 25' 30"       | 107° 22' 46"      | 293                | 176                  |
| KPCW  | 220-A             | 40° 40' 59"       | 111° 31' 20"      | 196                | 165                  |
| KJMN  | 221-C2            | 39° 25' 15"       | 104° 39' 15"      | 470                | 249                  |
| KTLE-FM   | 221-A             | 40° 31' 50"       | 112° 17' 50"      | 262                | 226                  |
| KJYE-FM   | 222-C             | 39° 04' 00"       | 108° 44' 41"      | 280                | 241                  |
| KTCE  | 222-A             | 40° 03' 20"       | 111° 49' 43"      | 258                | 165                  |
| KLZY  | 223-C             | 44° 29' 49"       | 109° 09' 19"      | 331                | 105                  |
| ALLOC   | 223-C2            | 41° 04' 17"       | 111° 05' 18"      | 145                | 105                  |
| KIQZ  | 224-A             | 41° 46' 16"       | 107° 14' 15"      | 188                | 95                   |
| KQMB  | 274-C             | 40° 16' 44"       | 111° 56' 01"      | 250                | 48                   |

## VI. CONCLUSIONS

The results of this study demonstrate that the FM Table of Allotments in § 73.202(b) of the Commission's Rules may be amended in technical compliance with all applicable spacing rules to establish a first service to Oakley, Utah. In addition, a new service can be initiated at Levan, Utah, while maintaining a Class C allotment at Green River, Wyoming. Therefore, MRF Enterprises respectfully requests that the FM Table of Allotments be modified by adding Channel 268C1 at Oakley, Utah, Channel 256A at Levan, Utah, and substituting Channel 221C for Channel 268C at Green River, Wyoming.

**PRESENT**

| <b><u>CITY</u></b>   | <b><u>CHANNEL</u></b> |
|----------------------|-----------------------|
| Oakley, Utah         | ----                  |
| Levan, Utah          | ----                  |
| Green River, Wyoming | 268C                  |

**NOTICE OF PROPOSED RULE MAKING**

| <b><u>CITY</u></b> | <b><u>CHANNEL</u></b> |
|--------------------|-----------------------|
| Oakley, Utah       | ----                  |
| Levan, Utah        | 268A                  |

**COUNTERPROPOSAL**

| <b><u>CITY</u></b>   | <b><u>CHANNEL</u></b> |
|----------------------|-----------------------|
| Oakley, Utah         | 268C1                 |
| Levan, Utah          | 256A                  |
| Green River, Wyoming | 221C                  |

MRF Enterprises asserts that, upon allotment of Channel 268C1 to Oakley and the opening of a filing window, an application for construction permit will be filed promptly to build a new Class C1 facility to serve Oakley, Utah.

Respectfully Submitted,

**Lawrence L. Morton, P.E.**  
**Consulting Engineer to MRF Enterprises**  
**January 2, 1997**

Lambert Azimuthal Equal-Area

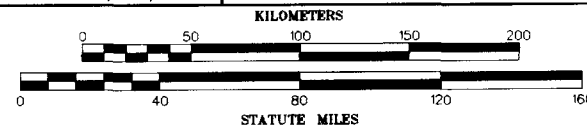
1° 00' 00" Graticule Spacing

CENTER OF MAP:

N LAT 39° 32' 40.00"  
W LON 111° 08' 59.00"

Scale 1 : 3,505,843

**FIGURE 1**  
**COUNTY OF SUMMIT**  
**STATE OF UTAH**  
**MRF ENTERPRISES**



**LAWRENCE L. MORTON ASSOCIATES**  
Telecommunications Engineers  
Mesa Oaks, California

**Summit County**

°OAKLEY

**U t a h**

42°00'00"

41°00'00"

40°00'00"

39°00'00"

38°00'00"

37°00'00"

114°00'00"

113°00'00"

112°00'00"

111°00'00"

110°00'00"

109°00'00"

108°00'00"

107°00'00"

Lambert Azimuthal Equal-Area

15' 00" Graticule Spacing

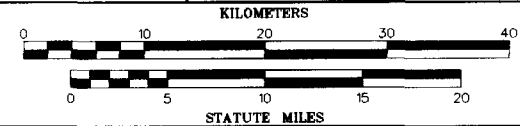
CENTER OF MAP:

N LAT 40° 54' 45.00"

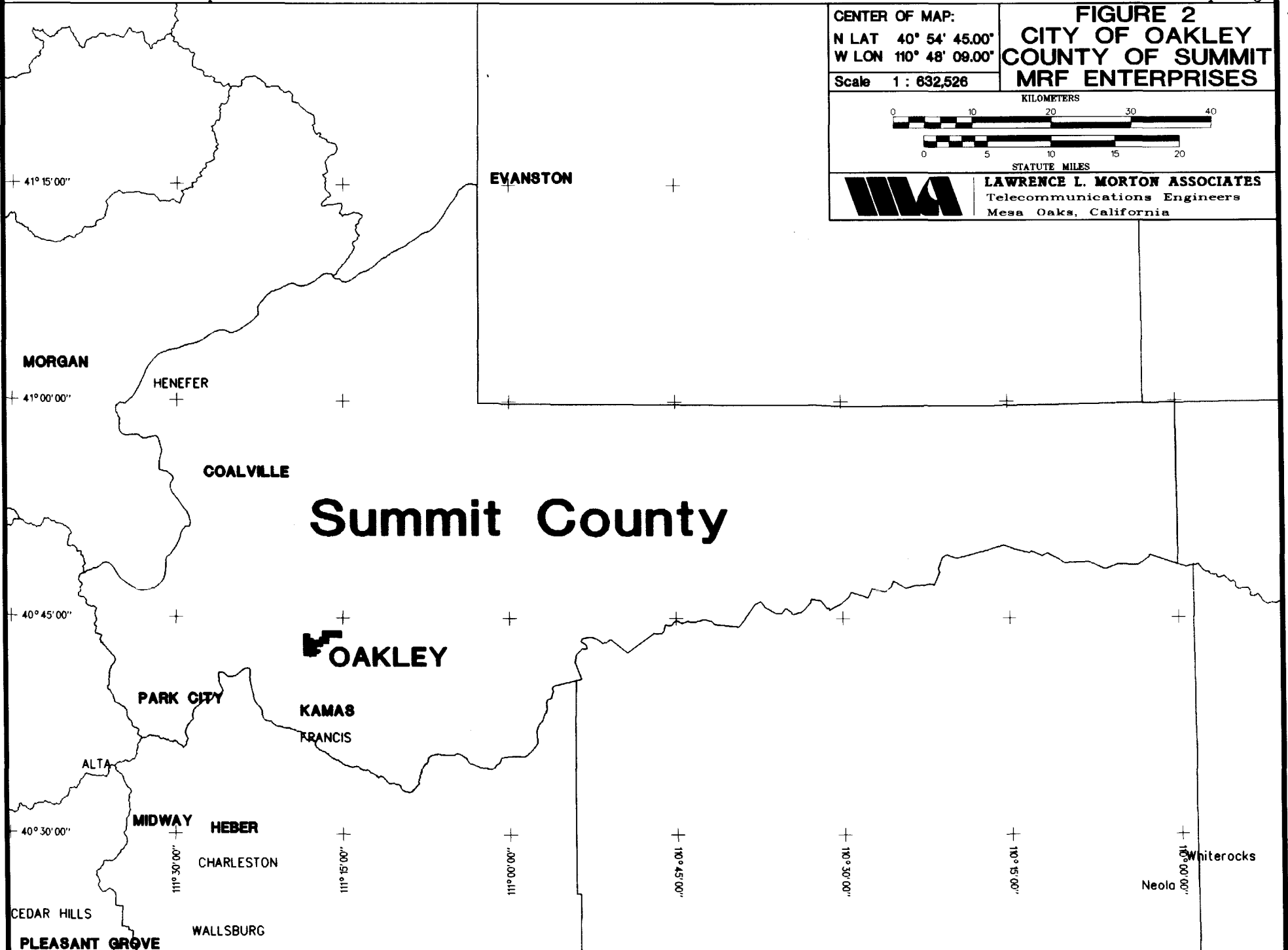
W LON 110° 48' 09.00"

Scale 1 : 832,526

**FIGURE 2**  
**CITY OF OAKLEY**  
**COUNTY OF SUMMIT**  
**MRF ENTERPRISES**

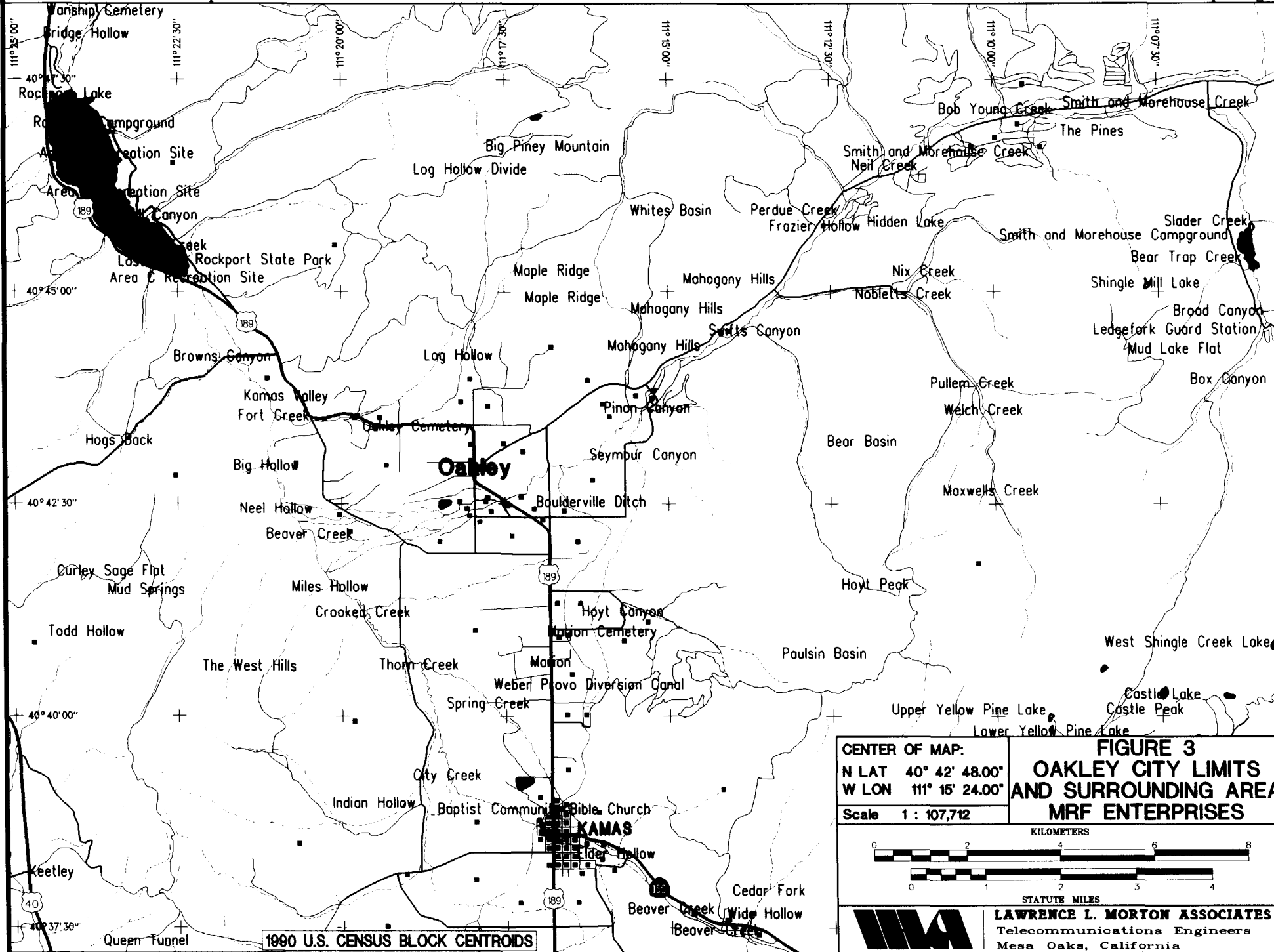


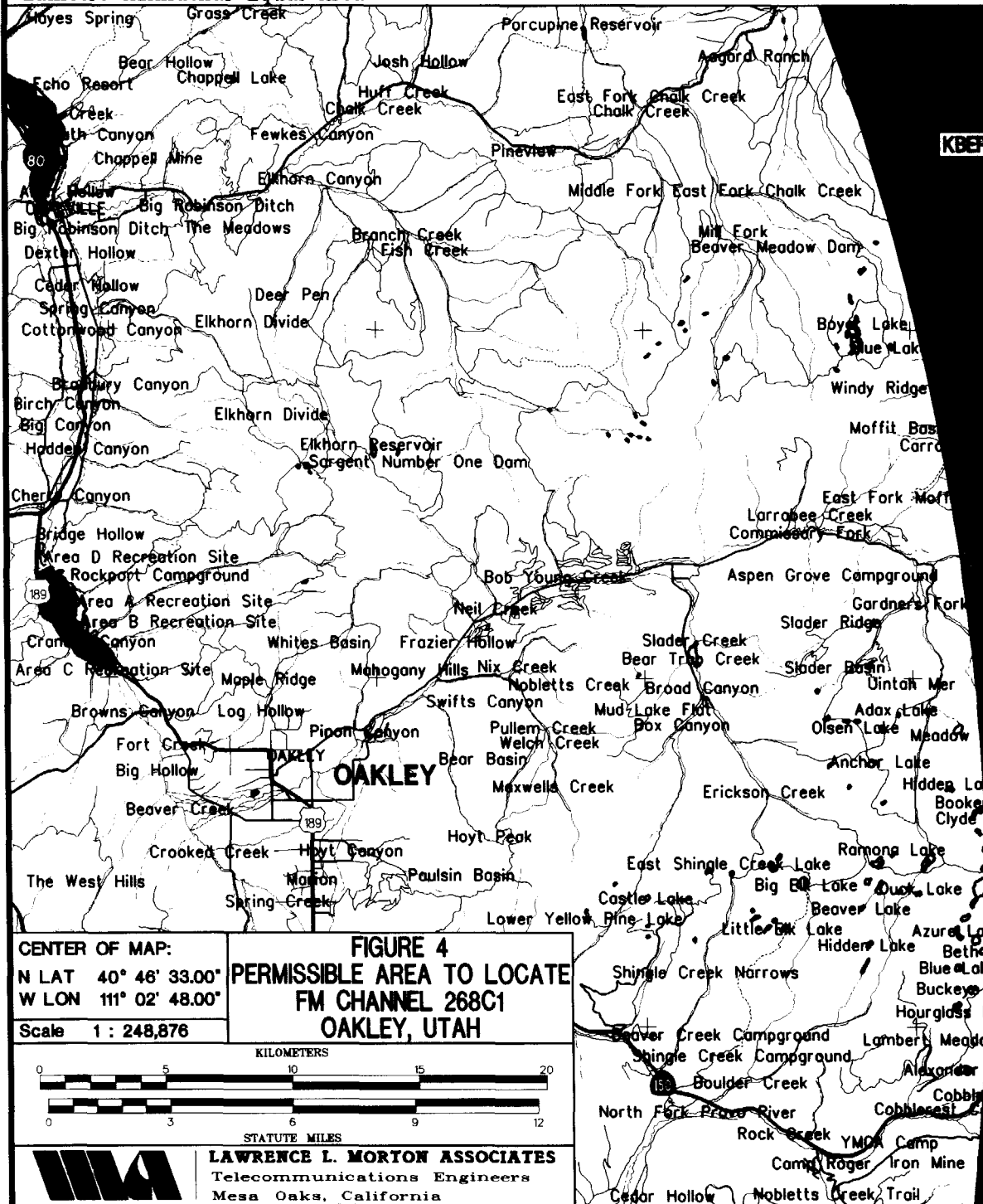
**LAWRENCE L. MORTON ASSOCIATES**  
Telecommunications Engineers  
Mesa Oaks, California



Lambert Azimuthal Equal-Area

2' 30" Graticule Spacing





Lambert Azimuthal Equal-Area

15' 00" Graticule Spacing

CENTER OF MAP:

N LAT 41° 31' 36.00"

W LON 109° 28' 06.00"

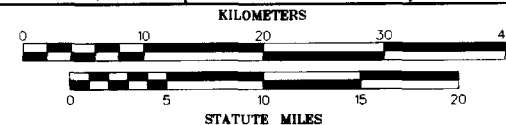
Scale 1 : 633,600

FIGURE 5

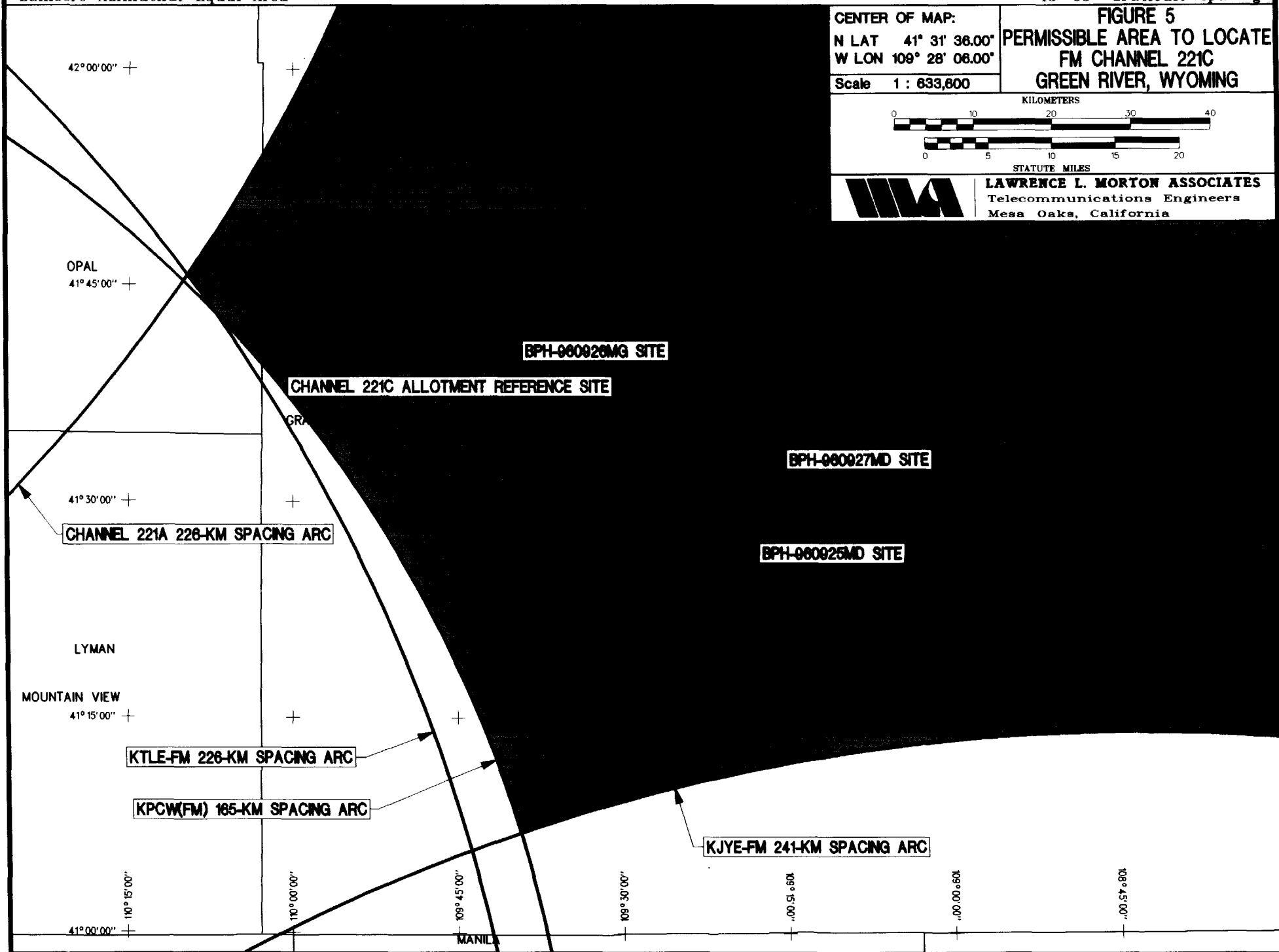
PERMISSIBLE AREA TO LOCATE

FM CHANNEL 221C

GREEN RIVER, WYOMING



**LAWRENCE L. MORTON ASSOCIATES**  
Telecommunications Engineers  
Mesa Oaks, California



Lambert Azimuthal Equal-Area

7' 30" Graticule Spacing

39° 52' 30" +

+

+

+

+

KURR(FM) 95-KM SPACING ARC

MONA

KBEE-FM 95-KM SPACING ARC

CENTER OF MAP:

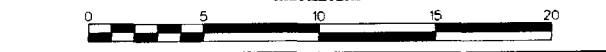
N LAT 39° 37' 22.00"

W LON 111° 49' 57.00"

Scale 1 : 330,216

**FIGURE 6**  
**PERMISSIBLE AREA TO LOCATE**  
**FM CHANNEL 256A**  
**LEVAN, UTAH**

KILOMETERS



STATUTE MILES



**LAWRENCE L. MORTON ASSOCIATES**  
Telecommunications Engineers  
Mesa Oaks, California

CHANNEL 256A ALLOTMENT REFERENCE SITE

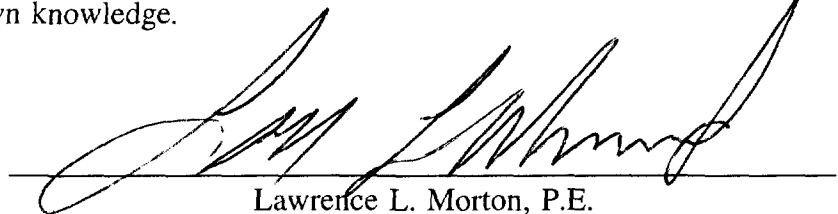
## AFFIDAVIT

State of California                    )  
  )    ss:  
County of Orange                    )

Lawrence L. Morton, being first duly sworn upon oath, deposes and says:

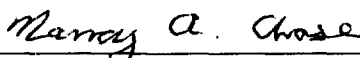
- That he is a qualified engineer,
- That he is a Registered Professional Engineer in the State of California,
- That he is a member of the Association of Federal Communications Consulting Engineers,
- That his qualifications are a matter of record with the Federal Communications Commission,
- That he has prepared many broadcast applications and engineering exhibits that have been filed with and granted by the Federal Communications Commission,
- That he has carried out such engineering work and that the results thereof are attached hereto and form part of this affidavit, and
- That the foregoing statement and the report regarding the aforementioned engineering work are true and correct of his own knowledge.

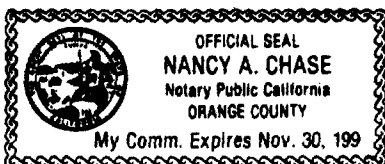
Date: January 2, 1997

  
Lawrence L. Morton, P.E.

On January 2, 1997, before me, Nancy A. Chase, a Notary Public, in and for the State of California, personally appeared Lawrence L. Morton known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

My Commission expires 11/30/99

  
Notary Public



**EXHIBIT B**

# Town of Oakley OKs a major new water system expansion

by Kirsta H. Bleyle  
OF THE RECORD STAFF

By an overwhelming margin, the residents of Oakley have agreed to spend over \$1.7 million on a new water system.

On Tuesday, Aug. 6, Oakley voted 119-26 in favor of expansion and improvements to the town's water system, with funding to be provided by general obligation bonds.

According to Oakley Councilman Doug Evans, the town had the option to use a state-approved revenue bond to fund the water system. However, he said, a revenue bond would not require approval by residents. Before taxing the residents for the water system improvements, the Town Council wanted to be sure to get their approval.

"We decided we would put everything on the line, and if they didn't pass it, we wouldn't get a new water system," Evans said. And if the bond did not pass? "We figured in about five years

**"We decided we would put everything on the line, and if they didn't pass it, we wouldn't get a new water system."**

**—Councilman Doug Evans**

we would run out of water."

According to the Oakley Town Council, current water storage capacity for the town is

about 100,000 gallons short of meeting the needs for indoor use, lawn watering, and fire fighting flow requirements. Additionally, Oakley is growing at the rate of 4-percent per year, and even to maintain the current, yet insufficient, flow levels more storage would be required by 1999.

With approval of the \$1.7 million bond, a one million gallon water storage tank above Pinion Road in Oakley will add five extra miles of distribution to the pipeline.

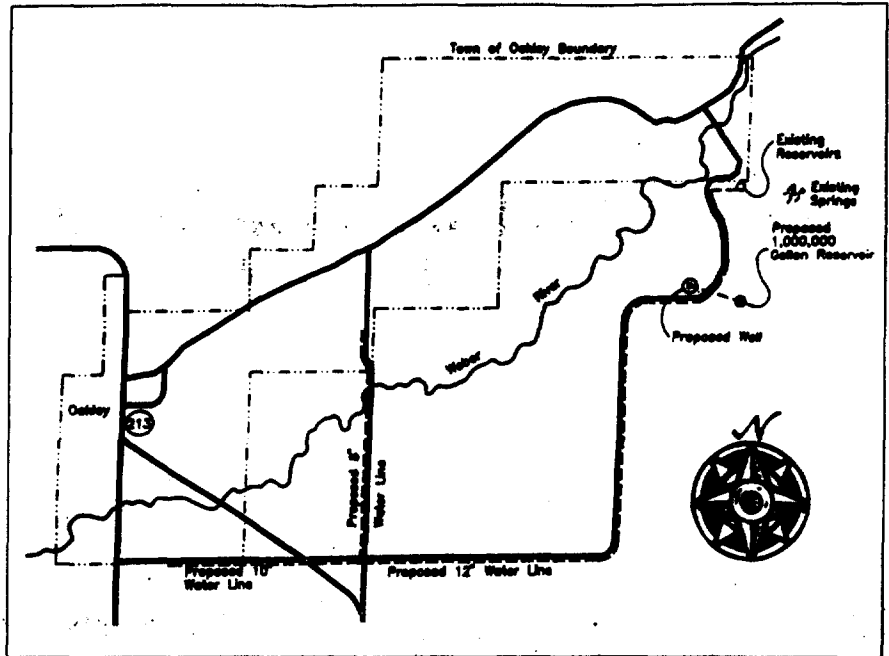
The cost of the bonds to Oakley residents has been broken down into thirds. Taking the area's rapid growth into consideration, Evans said one-third of the bond will be paid

through increasing the impact fee for water connections to new properties from about \$3,000 to \$5,800.

Evans also said another third of the bond will be recovered by increasing property taxes, which Evans said will amount to an average increase of about \$51 per year. The final third will be paid by a nine-dollar increase in the average monthly water bill. The intent of the breakdown is to evenly distribute the cost of the new system between current residents and new growth.

An interest rate of about three-percent annually will be accrued on the bond.

According to Evans, the funding will be paid back in 25 years, with the option to pay it back in 10 years, if possible.



**A \$1.7 million loan will created the above improvements and expansion of the town's water system.**

**EXHIBIT C**